C.S. 1002

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 3013 OF 2004

BETWEEN

Sayyed Akbar S/o Sayyed Razaq, aged about 54 years, Working as Head Warder District Jail Korba, resident of Jail Colony, Korba, Tehsil and District Korba (CG).

P. R. No. 3058/04 Presented by Shri A. Sayyed Dated 2-9-04

PETITIONER

A N D

1. The State of Chhattisgarh, Through the Secretary Department of Home Affairs/Jail and Transportation, Mantralay, D.K.S. Building, Raipur, Tehsil and District Raipur (CG).

2. The Special Secretary, Chhattisgarh Government, Home (Jail) Department, Mantralay, D.K.S. Building, Raipur (CG).

3. The Director General of Police & Inspector General of Jails, Chhattisgarh, Raipur, Tehsil and District Raipur.

4. The Superintendent of Jail, District Jail, Korba, Tehsil and District Korba (CG).

5. Shri Chhuni Lal Sahu, Head Warder, posted at Sub Jail Sukma (CG).

Received Copy 2.9.04 Bilaspur

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(22)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No.3013/2004

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21-09-2004

On a mention being made, the case is taken up.
Shri S.K. Chandel, Counsel for the petitioner.
Shri U.N.S. Deo, Govt.Advocate for the State.
Application for urgent hearing is allowed.
Heard.

Learned counsel for the petitioner submits that the matter relates to transfer of the petitioner. He further submits that under sub-rule 2 of Rule 208 of the Jail Manual the petitioner could not be transferred. He also submits that the petitioner is a patient of hypertension. Learned counsel for the petitioner relies on order dated 29-7-2004 passed in W.P.No.828/2004 (***Surendra Prasad Sharma Vs. The State of Chhattisgarh & Others***). He also submits that for the present the petitioner may be given an opportunity of filing the detailed representation before the competent authority of the respondents, which shall be considered on its own merits in accordance with law.

Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents along with a copy of the petition and this order, within 10 days, and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within six weeks from the date of receipt of the representation. Meanwhile, the petitioner, if already not relieved, may be allowed to continue in the present place of posting till consideration of the representation.

It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law.

With the aforesaid observations, this petition stands disposed of.

Consequently M.W.P.No.2631/2004 also stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Gowri/-

पाछे देखिये